

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-7 are currently being prosecuted. The Examiner is respectfully requested to reconsider his restriction requirement in view of the amendments and remarks as set forth hereinbelow.

ELECTION OF CLAIMS

The Examiner has set forth a restriction requirement with regard to claims 1-7. The grouping of the claims is set forth as follows:

<u>GROUP</u>	<u>CLAIMS</u>	<u>CLASSIFICATION</u>
I	1-4	Class 101, Subclass 33
II	5	Class 428, Subclass 351
III	6-7	Class 101, Subclass 487

In order to be responsive to the Examiner's restriction requirement, Applicants have elected claim 5 (Group II) for initial examination. However, it is respectfully submitted that the restriction requirement is improper and no serious burden is presented to the Examiner to consider all of the claims in a single application.

In addition to the above reasons to consider all of the claims in a single application, as set forth in Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be

made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicants respectfully submit that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. A review of the subject matter set forth in claims 1-7 would include a review of all classes 101, 428, and 101, respectively. Thus, a different field of search really does not exist with regard to the claims of the present application.

In order to be responsive to the Examiner's restriction requirement, claim 5 has been initially elected. The Examiner is respectfully requested to reconsider his restriction requirement and act on all of the claims in the present application. If the Examiner does persist in his restriction requirement, Applicants reserve the right to file divisional applications directed to claims 1-4 and 6-7 at a later date if they so desire.

Favorable action on the present application is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or

1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Joseph A. Kolasch

Reg. No. 22,463

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

JAK/clb